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EXAMINER
FEARER, MARK D

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/770,631	KLEIN, UDO	
	Examiner	Art Unit	
	Mark D. Fearer	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 February 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 February 2004 and 05 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application .

6)☐ Other: _____ .

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/3/04, 3/28/05, 4/18/05, and 8/27/07.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 03 February 2004, 28

March 2005, 18 April 2005, and 27 August 2007 have been considered by the

examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rothwell et al. (US 6769016 B2) in view of Kirsch et al. (US 6772196 B1).

Consider claims 1, 8, and 11. Rothwell et al. discloses an intelligent spam

detection system using an updateable neural analysis engine wherein an automated

rule is applied to the contents of a plurality of user messages in a message log to

determine whether any of the plurality of user messages is unsuitable for being

presented to end users of a computer system (("... analyzing the electronic mail

message using the user input indicators stored in the database; analyzing the electronic

mail message using data collected from a public archive of known unwanted messages;

analyzing the electronic mail message using a neural network engine by gathering

statistics associated with the text using a statistical analyzer by analyzing a character

type including Unicode, teaching the neural network engine coupled to the statistical

analyzer to recognize unwanted messages based on statistical indicators, wherein the

teaching of the neural network engine includes identifying a message as an unwanted

message, the features of the message that make the message unwanted are identified,

and the identified features are stored and used by the neural network engine to identify

subsequent unwanted messages, ...") Figure 5, and Claim 12) and an output is

provided identifying any of the plurality of user messages for which the automated rule

is met (("... classifying the electronic mail message as unwanted, possibly unwanted,

and wanted based on the analysis using the user input indicators stored in the

database, the analysis using data collected from an archive of known unwanted

messages, and the analysis using the neural network engine; sending the electronic

mail message to the intended recipient if the electronic mail message is not determined

to be unwanted; selecting a disposition of the electronic mail message if the electronic

mail message is determined to be unwanted, ...") Figure 6, Figure 7, and Claim 12).

However, Rothwell et al. fails to disclose a method comprising accessing a message log

comprising information about a plurality of user messages that have been presented in

a computer system during a period of time. Kirsch et al. discloses an electronic mail

filtering system wherein known undesirable email messages are stored in a database

(read as a log) and used for comparison against incoming email messages (("The

content of a received email message is processed to produce multiple signatures

representing aspects of the contents of the received email message. These signatures

are compared against a database of signatures produced from a plurality of presumed

undesirable email messages.") column 2 lines 66-67 and column 3 lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to incorporate an electronic mail filtering system

wherein known undesirable email messages are stored in a database and used for

comparison against incoming email messages as taught by Kirsch et al. with an

intelligent spam detection system using an updateable neural analysis engine wherein

an automated rule is applied to the contents of a plurality of user messages in a

message log to determine whether any of the plurality of user messages is unsuitable

for being presented to end users of a computer system and an output is provided

identifying any of the plurality of user messages for which the automated rule is met as

taught by Rothwell et al. for the purpose of message content filtering and analysis.

Claims 2-3, and 12-13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rothwell et al. (US 6769016 B2) in view of Kirsch et al. (US 6772196

B1) and in further view of Fishkin (US 6460074 B1).

Consider claims 2-3, and 12-13, and as applied to claims 1, 2, 11, and 12, respectively. Rothwell et al., as modified by Kirsch et al., discloses a system and method wherein message information includes keys associated with user messages, and wherein applying an automated rule comprises determining, for each user message, whether content is consistent with said key (("TABLE III Checksum-based Signature Algorithms Multiple Generate a checksum for each window group of four Words: consecutive words (a tunable parameter) that occur within the window as the window is slid over the message content, where window group words are preferably exclusive of stop-list words (words, such as "and, or, this," that are non-contextual and as commonly defined in the literature concerning automated full-text searching systems). This is a preferred algorithm. Lines: Generate a checksum for each of the first 20 lines (a tunable parameter) that occurs within the message content, where each line is delineated by a line break in the original message content, preferably ignoring multiple line breaks and blank lines. Sentences: Generate a checksum for each sentence in the message content, where sentences are delineated by the occurrence of a period-space character combination in the original message content. Paragraphs: Generate a checksum for each paragraph in the message content, where paragraphs are delineated by multiple line breaks or text indents in the original message content. The subject line header field is preferably considered a separate paragraph. Originating IP Generate a checksum for the first or the address: apparent original source IP address given in the header fields of this message. Single Byte Generate a checksum for the first 1000 bytes Chunk: (a tunable parameter) that occurs in the message

content, preferably exclusive of header fields. Multiple Byte Generate a checksum for

each of the first 10 blocks (a Chunks: tunable parameter) of 100 bytes (also a tunable

parameter) that occur in the message content, preferably exclusive of header fields.

Block Chunks: Generate a checksum for the first 25 lines (a, tunable parameter) of the

original message content, preferably exclusive of header fields and blank lines. Line

Chunks: Generate a checksum for each set of 4 lines (a tunable parameter) of the

message content, preferably exclusive of header fields and blank lines. Sliding

Generate a checksum for each set of 4 lines (a tunable Window parameter) sliding by 1

line (also a tunable parameter) Chunks: of the message content, preferably exclusive of

header fields and blank lines. Authorized Generate checksums for the sets of words,

numbers, Words: and words and numbers that are also found on a defined word list

empirically constructed or progressively developed to contain the most common words

and numbers used in UEM messages. High IDF Generate a checksum for those terms

that occur Terms: within the message content considered, preferably through statistical

analysis, to be significant in identifying the message content. The most significant terms

will preferably include unique descriptive phrases, specialized product and service

names, email addresses, phone numbers, postal addresses, and URLs. Unique Terms:

Generate a checksum for just the unique terms that occur within the message content,

as determined against a common word dictionary. The unique terms will preferably

include specialized product and service names, email addresses, phone numbers,

postal addresses, and URLs. Call to Action Generate a checksum for the words and

short phrases Terms : identified from a list of known action words and phrases

empirically defined or progressively identified from reviewed UEM messages to be within a "call to action," such as an email address, URL, phone number, and postal address. If three or fewer terms are found in the UEM message, do not generate a checksum.") Kirsch et al., Table III, column 10). However, Rothwell et al., as modified by Kirsch et al., fails to disclose a method wherein each key identifies a system language for the user message with which it is associated. Fishkin discloses an electronic mail system the types of language to be filtered can be customized to allow the system to filter any sensitive language on an organization-wide, group-wide, and/or user-specific basis (("Preferably, the types of language to be filtered can be customized to allow the system to filter any sensitive language on an organization-wide, group-wide, and/or user-specific basis. Thus in addition to obscene, insulting or other commonly offensive language, industry-specific or temporarily needed language can also be detected. For example, a medical organization might monitor for the names of narcotics and other DEA-regulated prescription drugs. A manufacturing company might monitor for the confidential names of products under development. And an organization might monitor for words such as "merger" during the confidential negotiation of a merger agreement. As used in this application, sensitive language can include any type of language that the organization or individual has an interest in monitoring, such as obscene, offensive, abusive, insulting, confidential, privileged, or otherwise objectionable or problematic materials.") column 14 lines 23-39).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate an electronic mail system the types of

language to be filtered can be customized to allow the system to filter any sensitive

language on an organization-wide, group-wide, and/or user-specific basis as taught by

Fishkin with a system and method wherein message information includes keys

associated with user messages, and wherein applying an automated rule comprises

determining, for each user message, whether content is consistent with said key as

taught by Rothwell et al., as modified by Kirsch et al., for the purpose of policy based e-

mail filtering.

Claims 4, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rothwell et al. (US 6769016 B2) in view of Kirsch et al. (US 6772196 B1) and in

further view of Daniell (US 20050097174 A1).

Consider claims 4, 10, and 14, and as applied to claims 1, 8, and 11,

respectively. Rothwell et al., as modified by Kirsch et al., discloses a rules based email

filter. However, Rothwell et al., as modified by Kirsch et al., fails to disclose an email

filtering method comprising a received list of at least one undesirable word, wherein

applying an automated rule comprises determining whether content includes at least

one undesirable word. Danielle discloses a filtered email differentiation method

comprising an editable text filter (read as list) containing objectionable

words (("Accordingly, the email message is checked (1350) to determine if the content

of the email message contains any words that have been determined to be

objectionable by the user or an administrator (hereinafter, referred to as a text filter). If

the email message is detected to contain undesirable words by the text filter (1350), the

email message is determined to be spam and is sent (1360) to a spam folder of the user

or another designated user (such as a parent of a user). Alternatively, if the email

message passes the text filter or is not detected to contain any undesired words by text

filter, the process (1300) continues to allow the email message to be further examined

by other spam detection schemes.") paragraph 0064).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to incorporate a filtered email differentiation method

comprising an editable text filter (read as list) containing objectionable words as taught

by Danielle with a rules based email filter as taught by Rothwell et al., as modified by

Kirsch et al., for the purpose of email filtering of unsolicited, objectionable content.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothwell

et al. (US 6769016 B2) in view of Kirsch et al. (US 6772196 B1) and in further view of

Basson et al. (US 20030131057 A1).

Consider claim 5, and as applied to claim 1 above. Rothwell et al., as modified by

Kirsch et al., discloses a rules based email filter. However, Rothwell et al., as modified

by Kirsch et al., fails to disclose a method wherein applying an automated rule

comprises determining, for each user message, whether the user message is primarily

intended to be presented to developers of the computer system. Basson et al. discloses

a method of transmitting common and unique information selectively to different

recipients wherein messages can be flagged for receipt by only intended recipients (("In

FIG. 4, user 400 (sender) is preparing a text, in the text production module 402

(keyboard, speech recognition, or handwriting recognition). The user 400 also utilizes

an editor with markers 401 that allows a user to flag/note portions of the text that are intended to be read by different recipients. Module 403 allows the user to preview on their own display how the different users will see the document on their computers. Module 404 represents the display with different copies of the same text, how they would be seen by different users--for example, 405, 406, and 407 represent how the document will be seen differently by different users.") paragraph 0024).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a method of transmitting common and unique information selectively to different recipients wherein messages can be flagged for receipt by only intended recipients as taught by Basson et al. with a rules based email filter as taught by Rothwell et al., as modified by Kirsch et al., for the purpose of selective filtering.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothwell et al. (US 6769016 B2) in view of Kirsch et al. (US 6772196 B1) and in further view of Bobo (US 5870549 A).

Consider claim 6, and as applied to claim 1 above. Rothwell et al., as modified by Kirsch et al., discloses a rules based email filter. However, Rothwell et al., as modified by Kirsch et al., fails to disclose a method wherein applying an automated rule comprises determining, for each user message, whether a user message includes only dynamic content. Bobo discloses a method for storing, delivering, and managing messages comprising dynamic content (("As a further example, the MSDS 10

encompasses the use of "dynamic HTML." "Dynamic HTML" is a term that has been

used to describe the combination of HTML, style sheets, and scripts that allows

documents to be animated. The Document Object Model (DOM) is a platform-neutral

and language neutral interface allowing dynamic access and updating of content,

structure, and style of documents. The MSDS 10 may therefore include the use of the

DOM and dynamic HTML to deliver dynamic content to the computer 32 through the

Internet 30.") column 21 lines 44-53).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to incorporate a method for storing, delivering, and

managing messages comprising dynamic content as taught by Bobo with a rules based

email filter as taught by Rothwell et al., as modified by Kirsch et al., for the purpose of

dynamic content filtering.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rothwell et al. (US 6769016 B2) in view of Kirsch et al. (US 6772196 B1) and in further

view of Kamiya et al. (US 5923845 A).

Consider claims 7 and 15, and as applied to claims 1 and 11, respectively.

Rothwell et al., as modified by Kirsch et al., discloses a rules based email filter.

However, Rothwell et al., as modified by Kirsch et al., fails to disclose a method wherein

providing an output from an e-mail filter comprises displaying a link by which the content

of any identified user message can be accessed for editing. Kamiya et al. discloses an

integrated electronic information system comprising a dashboard with radio buttons for

that allow a user to click and choose work to be imported to a clipboard for editing

(("When viewing collectors, buttons 1720, in addition to menubar 1705 are displayed to

allow the user to manipulate the collector. The "cut" button moves the selected

document or link into the user's clipboard. The "copy" button puts only a copy of the

document or link into the user's clipboard. The "paste" button is used with button 1721

which will display three options so that the user can paste content of the clipboard

below the selected documents or links, paste the content of the clipboard into the

selected collector (if a collector is selected), or post the content of the clipboard to a

selected collector, link or roster. The "create" button works with button 1722. The

operation of the create button is similar to the "paste" button except that the "create"

button is used to create new documents or links. The "edit" button allows the user to

change the attributes of the selected documents. The "setting" button allows the user to

set the attributes of selected links.") column 25 lines 24-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to incorporate an integrated electronic information

system comprising a dashboard with radio buttons for that allow a user to click and

choose work to be imported to a clipboard for editing as taught by Kamiya et al. with a

rules based email filter as taught by Rothwell et al., as modified by Kirsch et al., for the

purpose of changing filter settings.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothwell

et al. (US 6769016 B2) in view of Kirsch et al. (US 6772196 B1) and in further view of

Aronson et al. (US 6654787 B1).

Consider claim 9, and as applied to claim 8 above. Rothwell et al., as modified by Kirsch et al., discloses a rules based email filter. However, Rothwell et al., as modified by Kirsch et al., fails to disclose a method wherein operations comprise: receive an automated rule that is to be applied, wherein a plurality of automated rules can be received and selectively applied to the contents of the user messages. Aronson et al. discloses a method for filtering email comprising a plurality of anti-spam rules (("FIG. 2 illustrates one method for solving this problem. Mail server 130 of FIG. 2 includes an e-mail filter module 220, a plurality of anti-spam rules 210, mailbox 140, and a spam storage area 230. All incoming e-mail initially passes through filter module 220. Filter module 220 applies a set of rules 210 for detecting spam. Spam is then deposited in a spam storage area 230 while legitimate e-mail is sent through to mailbox 140. In an alternative embodiment, spam is initially stored in a mailbox and is subsequently filtered using filter module 220.") column 4 lines 35-44).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a method for filtering email comprising a plurality of anti-spam rules as taught by Aronson et al. with a rules based email filter as taught by Rothwell et al., as modified by Kirsch et al., for the purpose of filter rules.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothwell et al. (US 6769016 B2) in view of Kirsch et al. (US 6772196 B1) and in further view of Drexler (US 20020046248 A1).

Consider claim 16, and as applied to claim 11 above. Rothwell et al., as modified

by Kirsch et al., discloses a rules based email filter. However, Rothwell et al., as

modified by Kirsch et al., fails to disclose a method wherein a message log is imported

into a computer system and wherein user messages to which the message log relates

were presented in a separate computer system. Drexler discloses an email to database

import utility wherein databases comprising email content can be imported to and from

other systems (("After the association is created and used once with an email message

to import data, the email "from" and "subject" fields, data field positions, and database

mapping is automatically added to the configuration of the database association, as

indicated at 158. The association 160 being configured is shown, and a browse for other

associations button 161 may be provided. The browse for other associations button 161

may give access to other associations directly, or may enable the user to browse other

accessible memory files, such as those on a floppy diskette, on the computer's hard

drive, or a network hard drive.") paragraph 0041 ("In the illustrative example of FIG. 7,

the fields are horizontally aligned to shown the correspondence between the email

import fields 292 and the database table fields 291. The email import fields 292 are

mapped to corresponding database table fields 291, so that, for example, the Operating

System database table field has mapped to it "Field 7" of the email import fields 292,

which contains the data string "WINDOWS NT 4.0", a known operating system

trademarked, owned, and marketed by the Microsoft Corporation. The other email

import fields in box 292 are likewise mapped to the corresponding database table fields

shown in box 291. In the illustrative embodiment, some of the database table fields do

not correspond to any email import fields 291. For example, "LeaseReturn" and

"UnitCost" have no corresponding to any of the email import fields in the illustrative

embodiment.") paragraph 0052).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to incorporate an email to database import utility

wherein databases comprising email content can be imported to and from other

systems as taught by Drexler with a rules based email filter as taught by Rothwell et al.,

as modified by Kirsch et al., for the purpose of importing filters.

Conclusion

Any response to this Office Action should be faxed to (571) 273-8300 or mailed

to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Mark Fearer whose telephone number is (571) 270-

1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to

5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for

the organization where this application or proceeding is assigned is (571) 273-

8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

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have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/customer service whose telephone

number is (571) 272-2600.

Mark Fearer
M.D.F./mdf
September 14, 2007

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100